

REMARKS

Claims 1-42 and 44-53 are pending in the present patent application. Claims 1-16 are allowed. Claims 17-42 and 44-53 stand rejected. By this Amendment, claims 17 and 48 have been amended. This application continues to include claims 1-42 and 44-53.

Applicant thanks the Examiner for allowing claims 1-16.

In addition, Applicant thanks the Examiner for considering Applicant's previous arguments.

The Examiner has indicated that Applicant's previous Amendment necessitated the new grounds of rejection presented in the present Office Action, and has thus indicated that the present Office Action is made Final. Applicant respectfully submits that the previous Amendment presented subject matter substantially similar to that already present in Applicant's claims.

Applicant thus respectfully requests that the Examiner withdraw the finality of the present Office Action, and enter the present Amendment.

Claims 17-23, 26, 28, 30, 48 and 50-52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kato, U.S. Patent No. 6,141,111 (hereinafter, Kato) in view of Iguchi, et al., U.S. Patent No. 6,473,153 B2 (hereinafter, Iguchi) and Nakanishi, U.S. Patent No. 7,031,005 B1 (hereinafter, Nakanishi). Applicant respectfully requests reconsideration of the rejection of claims 17-23, 26, 28, 30, 48 and 50-52 in view of the following.

Applicant has summarized the Kato and Iguchi references in their previous Amendment at pages 13-15.

Nakanishi is directed to a printer capable of managing previously printed images (col. 1, lines 6-8). Nakanishi discloses displaying a selected image on an LCD 30, and that the user looks

at the selected image again for confirmation of printing, after which the selected image is printed (col. 4, lines 1-8).

Applicant believes that claims 17-23, 26, 28, 30, 48, and 50-52 patentably define Applicant's invention over Kato, Iguchi and Nakanishi, taken alone or in combination, for at least the reasons set forth below.

Claim 17 is directed to a method for selecting images from a plurality of images obtained from a digital device for printing with an imaging apparatus, said imaging apparatus having a scanner and accessing a memory storing said plurality of images.

As amended, claim 17 recites, in part, *printing* a confirmation for confirming to a user said each image on which said first action to be taken is designated.

Applicant respectfully submits that Kato, Iguchi and Nakanishi, taken alone or in combination, do not disclose, teach, or suggest *printing* a confirmation for confirming to a user each image on which the first action to be taken is designated, as recited in amended claim 17, nor is it so asserted.

Rather, Kato discloses that once the extra-copy designation sheet is read, the final output is performed (col. 6, lines 26-38), without any intermediate act of confirming to the user that each image is designated for an action, as recited in amended claim 17.

Similarly, Iguchi does not disclose, teach, or suggest confirming to the user that each image is designated for an action, as recited in amended claim 17.

In contrast to *printing* a confirmation for confirming to a user said each image on which said first action to be taken is designated, as recited in claim 17, Nakanishi discloses displaying a

selected image *on an LCD 30*, and that the user looks at the selected image again for confirmation of printing, after which the selected image is printed (col. 4, lines 1-8).

Accordingly, Kato, Iguchi and Nakanishi, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 17. Claim 17 is thus believed allowable in its present form.

Claims 18-23, 26, 28 and 30 are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 17. In addition, claims 18-23, 26, 28 and 30 further and patentably define Applicant's invention over Kato, Iguchi and Nakanishi, taken alone or in combination.

For example, claim 30 is directed to the method of claim 17, wherein said scanner is an alignment sensor used for aligning a printhead of said imaging apparatus.

Kato does not disclose, teach, or suggest the subject matter recited in claim 17 for at least the reasons set forth in Applicant's previous responses that were electronically filed September 22, 2006 and February 23, 2007.

For example, although Kato discloses the use of an extra-copy designation sheet recognition portion 57, Kato simply does not disclose, teach, or suggest any details of extra-copy designation sheet recognition portion 57 such as might disclose, teach, or suggest an alignment sensor for aligning a printhead of an imaging apparatus.

In addition, the Kato, Iguchi and Nakanishi disclosures are silent as to the word, "sensor," and the Iguchi and Nakanishi disclosures are silent as to the words "align" and "alignment." The cited references, taken alone or in combination, simply do not in any manner disclose, teach or suggest an alignment sensor used for aligning a printhead of the imaging apparatus, much less

wherein a scanner is an alignment sensor used for aligning a printhead of the imaging apparatus,
as recited in claim 30.

In the Response to Arguments, it is asserted (by reference to the previous Office Action) that the scanner must have some way of aligning in order for the image data to be read and acted upon, and that every scanner is a sensor.

However, the concepts of whether a scanner is aligned in order for image data to be read and acted upon, and whether a scanner is a sensor have no bearing on an alignment sensor for aligning a printhead of an imaging apparatus.

In addition, it is not necessary or inherent that an alignment sensor be used to align printheads, since it is well known in the art that alignment may be performed manually, without the use of an alignment sensor, e.g., by a user visually looking at an alignment pattern, selecting one of the alignment patterns, and indicating the selection to the printer in order to align the printhead, without the use of an alignment sensor.

Accordingly, the cited references do not disclose, teach or suggest the subject matter of claim 30.

Accordingly, Kato, Iguchi and Nakanishi, taken alone or in combination, do not disclose, teach, or suggest the subject matter recited in claim 30.

Claim 30 is thus believed allowable in its own right.

Claim 48 is directed to a method for selecting images from a plurality of images obtained from a digital device for printing with an imaging apparatus, said imaging apparatus having a scanner and accessing a memory storing said plurality of images.

As amended, claim 48 recites, in part, *printing* a confirmation for confirming to a user that at least one of said first action and said second action is designated to be performed.

Applicant respectfully submits that Kato, Iguchi and Nakanishi, taken alone or in combination, do not disclose, teach, or suggest printing a confirmation for confirming to a user that at least one of the first action and the second action is designated to be performed for substantially the same reasons as set forth above with respect to claim 17.

Claim 48 is thus believed allowable in its present form.

Claims 50-52 are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 48. In addition, claims 50-52 further and patentably define Applicant's invention over Kato, Iguchi and Nakanishi, taken alone or in combination.

Accordingly, for at least the reasons set forth above, Applicant believes that claims 17-23, 26, 28, 30, 48 and 50-52 are in condition for allowance in their present forms, and thus respectfully request that the rejection of claims 17-23, 26, 28, 30, 48, and 50-52 under 35 U.S.C. 103(a) be withdrawn.

Claims 24, 25, 27, 29 and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kato, Iguchi, Nakanishi and Lumley, U.S. Patent No. 7,009,726 B2 (hereinafter, Lumley). Applicant respectfully requests reconsideration of the rejection of claims 24, 25, 27, 29, and 49 in view of the following.

Claims 24, 25, 27, 29 and 49 are believed allowable due to their dependence on their otherwise allowable respective base claims 17 and 48, since, as set forth above with respect to claims 17 and 48, Kato, Iguchi and Nakanishi, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claims 17 and 48, and since Lumley does not make up for

the deficiency of Kato, Iguchi and Nakanishi as with respect to claims 17 and 48, nor is it so asserted. Rather, Lumley is relied upon for the subject matter recited in claims 24, 25, 27, 29, and 49.

Accordingly, for at least the reasons set forth above, Applicant believes that claims 24, 25, 27, 29 and 49 are in condition for allowance in their present forms, and thus respectfully requests that the rejection of claims 24, 25, 27, 29, and 49 under 35 U.S.C. 103(a) be withdrawn.

Claims 30 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kato, Iguchi, Yamada, U.S. Patent No. 6,089,766 (hereinafter, Yamada) and Miyake, U.S. Patent No. 4,905,090 (hereinafter, Miyake). Applicant respectfully requests reconsideration of the rejection of claims 30 and 53 in view of the following.

Claims 30 and 53 are believed allowable due to their dependence on their otherwise allowable respective base claims 17 and 48, since, as set forth above with respect to claims 17 and 48, Kato, Iguchi and Nakanishi, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claims 17 and 48, and since Yamada and Miyake, taken alone or in combination, do not make up for the deficiency of Kato, Iguchi and Nakanishi as with respect to claims 17 and 48, nor is it so asserted. Rather, Yamada and Miyake are relied upon for the subject matter recited in claims 30 and 53.

In addition, claims 30 and 53 further and patentably define the invention over Kato, Iguchi, Nakanishi, Yamada and Miyake, taken alone or in combination.

For example, claim 30 is directed to the method of claim 17, wherein said scanner is an alignment sensor used for aligning a printhead of said imaging apparatus.

Applicant respectfully submits that Kato, Iguchi, Nakanishi, Yamada and Miyake, taken alone or in combination, do not disclose, teach, or suggest wherein the scanner is an alignment sensor used for aligning a printhead of the imaging apparatus, as recited in claim 30.

Kato, Iguchi and Nakanishi, taken alone or in combination, do not disclose, teach, or suggest the subject matter recited in claim 30, as acknowledged by the Examiner. Rather, Yamada and Miyake are relied upon.

Yamada discloses that the density of printed patterns is measured by a sensor 31 (col. 9, line 57 to col. 6, line 61), and Miyake discloses a line sensor 5 (col. 3, lines 3-13), neither of which disclose, teach or suggest wherein the scanner is an alignment sensor used for aligning a printhead of the imaging apparatus.

It is asserted in the Response to Arguments that Miyake discloses at column 3, lines 3-33 a scanning sensor 5 that is aligned to printhead 6, and is therefore construed as an alignment sensor.

However, the relied-upon Miyake passage does not disclose, teach or suggest that the sensor 5 is an alignment sensor used for aligning a printhead in an imaging apparatus. Rather, the relied-upon Miyake passage discloses that sensor 5 is a line sensor used as part of a facsimile machine that is used to read the document being faxed, which has no bearing upon an alignment sensor used for aligning a printhead in an imaging apparatus, and hence does not disclose, teach or suggest the subject matter of claim 30.

In addition, Yamada and Miyake, taken alone or in combination, do not in any manner disclose, teach, or suggest how an alignment sensor may be used for detecting a designation mark placed directly on a thumbnail image by scanning a selection sheet with Yamada sensor 31 or Miyake line sensor 5.

For example, due to the fact that the designation mark is placed directly on the thumbnail, detecting the designation mark is *not simply performed by looking for image data with a sensor*, since the information that is background for the designation mark *is the thumbnail, not merely a white background*, and hence, detecting the designation mark is substantially more complicated than detecting a pattern density as taught by Yamada or employing a line sensor as part of a facsimile machine as disclosed by Miyake.

In contrast to Yamada and Miyake, Applicant respectfully directs the Examiner's attention to Applicant's specification at page 9, lines 13-33, wherein Applicant's specification describes how a designation mark placed over the thumbnail image may be detected.

It is asserted in the Response to Arguments that the image sensor of Miyake is capable of sensing the contents of a document that is fed into the device, and that if the document contains a designation mark, the sensor will sense it.

However, Applicant respectfully directs the Examiner's attention to the fact that when a designation mark is placed on a thumbnail image, simply sensing with image with the designation mark on it will not provide any information that there is a designation mark on the image. For example, the cited references do not disclose, teach or suggest how to sense a designation mark that is placed on an image, since cited references, taken alone or in combination, do not disclose, teach or suggest how to interpret that the designation mark is present.

That is, since with Applicant's invention, the designation mark is placed over the thumbnail image, what is sensed by the sensor is not simply the presence or absence of data, but rather, a composite image consisting of both the thumbnail image and the designation mark placed on the thumbnail image. Without the ability to be able to separate out the effect of the designation mark on the image, the cited references are not able to determine the presence of the

designation mark, since there is no simple white background against which a mark may be readily detected, but rather, the background for the designation mark is the thumbnail image itself.

However, the cited references, taken alone or in combination, do not disclose, teach or suggest how to detect such a designation mark when directly placed on the thumbnail image itself, as recited in claim 17.

That is, Yamada and Miyake, taken alone or in combination, do not disclose, teach, or suggest how such a designation mark may be detected using an alignment sensor, particularly where the designation mark is placed directly on the thumbnail image.

Thus, Yamada and Miyake do not enable the invention of claim 30. Even if combined with Kato, Iguchi and Nakanishi, the combination of Kato, Iguchi, Nakanishi, Yamada and Miyake would not yield Applicant's invention of claim 30, since none of the cited references, taken alone or in combination, disclose, teach, or suggest how an alignment sensor used for aligning a printhead of an imaging apparatus may be employed to achieve the detection of the designation mark placed directly on the thumbnail image, as recited in claim 17, which is incorporated by reference into claim 30.

Accordingly, Applicant respectfully submits that Kato, Iguchi, Nakanishi, Yamada and Miyake, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 30. Claim 30 is thus believed allowable in its own right.

Claim 53 is directed to the method of claim 48, wherein said scanner is an alignment sensor used for aligning a printhead of said imaging apparatus, and is believed allowable in its own right for at least the reasons set forth above with respect to claim 30.

Accordingly, for at least the reasons set forth above, Applicant believes that claims 30 and 53 are in condition for allowance in their present forms, and thus respectfully requests that the rejection of claims 30 and 53 under 35 U.S.C. 103(a) be withdrawn.

Claims 31-40, 44 and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kato, Yoshihara, et al., U.S. Patent No. 6,031,632 (hereinafter, Yoshihara), Yamada and Miyake. Applicant respectfully requests reconsideration of the rejection of claims 31-40, 44 and 46 in view of the following.

Applicant has summarized the Yoshihara reference in their previous Amendment at page 21.

Applicant believes that claims 31-40, 44 and 46 patentably define Applicant's invention over Kato, Yoshihara, Yamada and Miyake, taken alone or in combination, for at least the reasons set forth below.

Claim 31 is directed to a method for selecting images from a plurality of images obtained from a digital device for printing with an imaging apparatus, said imaging apparatus having a scanner and accessing a memory storing said plurality of images.

Claim 31 recites, in part, detecting said at least one orientation symbol by scanning said selection sheet with said scanner, wherein said scanner is an alignment sensor used for aligning a printhead of said imaging apparatus.

Kato and Yoshihara, taken alone or in combination, do not disclose, teach, or suggest the above-mentioned subject matter of claim 31, nor is it asserted in the rejection of claim 31. Rather, Yamada and Miyake are relied upon.

Applicant respectfully submits that Yamada and Miyake, taken alone or in combination do not disclose, teach, or suggest detecting said at least one orientation symbol by scanning said selection sheet with said scanner, *wherein said scanner is an alignment sensor used for aligning a printhead of said imaging apparatus*, for at least the reasons set forth above with respect to claim 30.

Accordingly, Kato, Yoshihara, Yamada and Miyake, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 31. Claim 31 is thus believed allowable in its present form.

Claims 32-40, 44 and 46 are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 31. In addition, claims 32-40, 44 and 46 further and patentably define Applicant's invention over Kato, Yoshihara, Yamada and Miyake, taken alone or in combination, for at least the reasons set forth in Applicant's previous Response, electronically filed February 23, 2007.

Accordingly, for at least the reasons set forth above, Applicant believes that claims 31-40, 44 and 46 are in condition for allowance in their present forms, and thus respectfully requests that the rejection of claims 31-40, 44 and 46 under 35 U.S.C. 103(a) be withdrawn.

Claims 41, 42, 45 and 47 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kato, Yoshihara, Yamada, Miyake and Lumley, U.S. Patent No. 7,009,726 B2 (hereinafter, Lumley). Applicant respectfully requests reconsideration of the rejection of claims 41, 42, 45 and 47 in view of the following.

Claims 41, 42, 45 and 47 are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 31, since, as set forth above with respect to claim

31, Kato, Yoshihara, Yamada and Miyake, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 31, and since Lumley does not make up for the deficiency of Kato, Yoshihara, Yamada and Miyake as with respect to claim 31, nor is it so asserted. Rather, Lumley is relied upon for the subject matter recited in claims 41, 42, 45 and 47.

Accordingly, for at least the reasons set forth above, Applicant believes that claims 41, 42, 45 and 47 are in condition for allowance in their present forms, and thus respectfully requests that the rejection of claims 41, 42, 45 and 47 under 35 U.S.C. 103(a) be withdrawn.

For the foregoing reasons, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the appended claims. The appended claims are therefore in condition for allowance, and Applicant respectfully requests withdrawal of all rejections and allowance of the claims.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to
telephone the undersigned at (317) 894-0801.

Respectfully submitted,

/Paul C. Gosnell, Reg. No. 46735/

Paul C. Gosnell
Registration No. 46,735

Attorney for Applicant

RKA14/ts

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TAYLOR & AUST, P.C.
12029 E. Washington Street
Indianapolis, IN 46229
Telephone: 317-894-0801
Facsimile: 317-894-0803